REMARKS/ARGUMENTS

Claims 1-17 are pending in this application, with claim 1 being the only independent claim. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claim Amendments

Claim 1 is amended to recite "determining a set of quality of service parameters including at least one first quality of service parameter corresponding to a subscriber priority level and at least one second quality of service parameter related to a type of service" and "determining an overall priority level (NPG) associated with the data stream based on a value of the at least one first quality of service parameter and a value of the at least one second quality of service parameter, the value of the overall priority level alone indicating a priority for accessing network resources to execute the service by the subscriber". Support for these recitations is found at page 16, lines 8-23 and the tables on pages 24-29, which show different values of the quality of service parameters and the corresponding overall priority level.

Rejection of the Claims under 35 U.S.C. §§102 and 103

Claims 1-5 and 6-15 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 7,010,305 (Immonen).

Claims 6 and 16-17 stand rejected under 35 U.S.C. §103 as unpatentable over Immonen in view of U.S. Patent No. 7,031,718 (Jouppi).

Immonen fails to disclose "determining a set of quality of service parameters including at least one first quality of service parameter corresponding to a subscriber priority level and at least one second quality of service parameter related to a type of service" and "determining an overall priority level (NPG) associated with the data stream based on a value of

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the at least one first quality of service parameter and a value of the at least one second quality of service parameter, the value of the overall priority level alone indicating a priority for accessing network resources to execute the service by the subscriber", as now expressly recited in independent claim 1, because Immonen does not disclose determining any Quality of Service parameters.

Immonen discloses a method for assigning values of service attributes to transmissions, radio access networks, and network elements. According to Immonen, a Serving GPRS Support Node (SGSN) 12 stores default Quality of Service (QoS) profile 14 which includes a set of common values for some service attributes for all customers (see col. 8, lines 32-36 of Immonen). The values for the service attributes including the delivery order, the maximum (Service Data Unit (SDU) size, the SDU error ratio, the residual Bit Error Rate (BER), the delivery of erroneous SDUs, and the allocation/retention priority (col. 8, lines 36-40). A subscriber specific Max QoS is stored for each customer/subscriber (col. 8, lines 47-51). A user equipment 11 may also transmit desired values of service attributes (col. 8, lines 63-66). Accordingly, there are up to three sets of attributes that are stored in the SGSN 12 (col. 9, lines 6-10).

Fig. 2 of Immonen discloses a chart which discloses how selection of the attributes is performed. The SGSN 12 selects the values of attributes to be used for a requested transmission (see col. 9, lines 11-13).

Since Immonen determines a value for each of the service attributes, Immonen can not be considered to disclose "determining an overall priority level (NPG) associated with the data stream based on a value of the at least one first quality of service parameter and a value of the at least one second quality of service parameter, the value of the overall priority level alone indicating a priority for accessing network resources to execute the service by the subscriber", as

now expressly recited in independent claim 1. That is, Immonen fails to disclose taking into account only one attribute, i.e., an overall priority level (NPG), that is obtained from at least one first quality of service parameter corresponding to a subscriber priority level and at least one second quality of service parameter related to a type of service.

The Examiner states that the step of "determining an overall priority level" is disclosed at col. 8, line 24 to col. 9, line 13 of Immonen. However, this portion fails to disclose determining a specific parameter that defines an overall priority level. Rather, Immonen discloses determining a value for each service attribute. Immonen does not disclose that the service attribute values could be used together to determine a single specific attribute "alone indicating a priority for accessing network resources to execute the service by the subscriber", as now expressly recited in independent claim 1.

In view of the above remarks, independent claim 1 is not anticipated by Immonen. Accordingly, the rejection of independent claim 1 under 35 U.S.C. §102 should now be withdrawn.
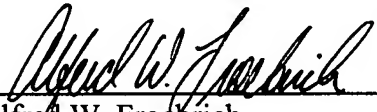
Immonen also fails to teach or suggest "determining an overall priority level (NPG) associated with the data stream based on a value of the at least one first quality of service parameter and a value of the at least one second quality of service parameter" because there is no motivation to determine a single specific attribute which defines a priority for accessing network resources. Accordingly, independent claim 1 should also be allowable over Immonen under 35 U.S.C. §103.

Dependent claims 2-17, each being dependent on independent claim 1, should be allowable for at least the same reasons as is independent claim 1.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

Should the Examiner have any comments, questions, suggestions, or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

Respectfully submitted,
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